

1 S.36

2 Representative Rachelson of Burlington moves to amend the House
3 proposal of amendment as follows:

4 First: By proposing to the Senate to amend the bill by striking out Sec. 4,
5 repeal, and Sec. 5, 2019 Acts and Resolves No. 6, Sec. 105, in their entirety
6 and inserting in lieu thereof new Secs. 4 and 5 to read as follows:

7 Sec. 4. 2019 Acts and Resolves No. 6, Sec. 105 is amended to read:

8 Sec. 105. EFFECTIVE DATES

9 * * *

10 (c) Secs. 99 and 100 (amending 18 V.S.A. §§ 4910 and 4811) shall take
11 effect on July 1, ~~2025~~ 2027.

12 * * *

13 Sec. 5. 18 V.S.A. § 4810 is amended to read:

14 § 4810. TREATMENT AND SERVICES

15 * * *

16 (d) A person judged by a law enforcement officer to be incapacitated, ~~and~~
17 who has not been charged with a crime, and who poses a risk to public safety
18 may be lodged in protective custody in a lockup or community correctional
19 center for up to 24 hours or until judged by the person in charge of the facility
20 to be no longer incapacitated, if and only if:

1 (1) the person refuses to be transported to an appropriate facility for
2 treatment or, if once there, refuses treatment or leaves the facility before ~~he or~~
3 ~~she~~ the person is considered by the responsible staff of that facility to be no
4 longer incapacitated; or

5 (2) ~~no~~ there is not an approved substance abuse treatment program with
6 detoxification capabilities ~~and no~~ a staff physician, or other medical
7 professional at ~~the nearest~~ a licensed general hospital ~~can be found~~ within a 60-
8 mile radius of where the person was first encountered who will accept the
9 person for treatment.

10 * * *

11 (h) If an incapacitated person in protective custody is lodged in a lockup or
12 community correctional center;

13 (1) ~~his or her~~ the person's family or next of kin shall be notified as
14 promptly as possible. ~~If,~~ unless the person is an adult and requests that there be
15 no notification, ~~his or her~~ in which case the person's request shall be respected;

16 (2) any personal belongings taken from the person shall be promptly
17 returned to the person upon release; and

18 (3) the person shall be returned to the location the person was first
19 encountered or other reasonable location upon release, if requested.

20 * * *

1 Second: In Sec. 6, reports; services and programming for persons who are
2 incapacitated, by striking out subsection (a) in its entirety and inserting in lieu
3 thereof a new subsection (a) to read as follows:

4 (a) The Departments of Health and of Mental Health's existing plan to
5 expand services and programming for persons who are incapacitated pursuant
6 to 18 V.S.A. § 4810 shall first prioritize the county with the highest current use
7 of correctional facilities for this purpose and then any other underserved region
8 of the State. As part of the Departments' fiscal year 2027 budget presentation,
9 the Departments shall include a proposal for expanding community-based
10 services for persons who are incapacitated to underserved regions of the State
11 using, in part, cost savings from diverting persons who are incapacitated from
12 emergency departments and correctional facilities.